



04-12-04 Image RCE (160)  
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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provided for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

|                               |              |
|-------------------------------|--------------|
| <i>Application Number</i>     | 09/852,106   |
| <i>Filing Date</i>            | May 9, 2001  |
| <i>First Named Inventor</i>   | Frisch et al |
| <i>Group Art Unit</i>         | 1616         |
| <i>Examiner Name</i>          | A. Pryor     |
| <i>Attorney Docket Number</i> | 514413-3874  |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

|    |   |
|----|---|
| 1. | Submission required under CFR 1.114.  |
| a. | <input checked="" type="checkbox"/> Previously submitted<br><ul style="list-style-type: none"><li>i. <input checked="" type="checkbox"/> Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on <u>February 10, 2004</u><br/>(Any unentered amendment(s) referred to above will be entered)</li><li>ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on</li><li>iii. <input type="checkbox"/> Other</li></ul>  |
| b. | <input type="checkbox"/> Enclosed <ul style="list-style-type: none"><li>i. <input type="checkbox"/> Amendment/Reply</li><li>ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)</li><li>iii. <input type="checkbox"/> Information Disclosure Statement (IDS)</li><li>iv. <input type="checkbox"/> Other</li></ul>  |
| 2. | Miscellaneous   |
| a. | <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of ___ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)  |
| b. | <input type="checkbox"/> Other  |
| 3. | <b>Fees</b> The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.<br><br>a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees, or credit any overpayments, to<br><b>Deposit Account No. 50-0320.</b><br>b. <input checked="" type="checkbox"/> Check in the amount of \$770.00 is enclosed for the following:<br><ul style="list-style-type: none"><li>i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e)</li><li>ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)</li><li>iii. <input type="checkbox"/> Other</li></ul><br>c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed) |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                        |                                   |               |
|-------------------|------------------------|-----------------------------------|---------------|
| Name (Print/Type) | Marilyn Matthes Brogan | Registration No. (Attorney/Agent) | 31,223        |
| Signature         |                        | Date                              | April 8, 2004 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: **Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

|                   |  |      |               |
|-------------------|--|------|---------------|
| Name (Print/Type) |  |      |               |
| Signature         |  | Date | April 8, 2004 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and completed Forms to the following address: **Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**.

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